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## BOOK REVIEWS.

GUIDE TO THE LAW AND LEGAL LITERATURE OF SPAIN. By THOMAS PALMER, JR. Washington: GOVERNMENT PRINTING OFFICE. 1915. pp. 174.

This book is one of a series of similar works which is being published by the Library of Congress on the law and legal literature of various countries. It is, in fact, a concise legal cyclopedia touching upon the numerous subjects into which the whole matter is divided, a sort of broad summary of the sociological and political history of Spain, her positive legislation and the authors who have dealt with these questions.

The codification which has been in existence in Spain for some time has made the work of compilation rather simple, since it offers to the author a system easy to follow; for, glancing at the five codes,—Civil, Penal, Commercial and the Codes of Civil and Criminal Procedure—one is able to keep well before him the main frame of positive legislation. The statutes which during later years, owing to the requirements of modern social life, have been increasing in number, even in countries where codification obtains, did not, although very numerous, throw on the writer's path those difficulties which he would have found had he attempted a similar task for an Anglo-Saxon country.

The best part of the work deals with the historical development of legislation, and it clearly shows that the origin of modern Spain is to be traced back to the Cortes of Cadiz at the time of the Napoleonic invasion. Few writers understand the importance of this convention which met outside the sphere of influence of the invader and which threw off the yoke of the absolute king who at that moment represented not only dynastic interests but national independence as well. This historical treatment, however, is deficient in some respects. For instance, the author has neglected the regional legislatures, or *Fueros*, which had so great an influence in the Iberian Peninsula that the political struggles of the past had—as many of the present time still have—their origin in the desire of each province to have its own legislation. To the American student a survey, however superficial, of this tendency toward legislative disintegration would have been useful, and an analysis of the causes which produced it would have been especially valuable in reference to his own country.

The present civil legislation of Spain is still dominated by the influence of canonical law and a strong conservative spirit. The progress of modern life in that country, while reaching other activities, did not penetrate so easily into the legal principles from which the laws of domestic relations and of property are derived. Thus, divorce has not the slightest possibility of being recognized as a necessary solution of matrimonial difficulties, the status of woman is inferior to that of man, for she is not allowed to administer her own estate, and in legislation covering family property, some relics of the Middle Ages can still be traced. Spanish jurists have followed ideas as they found them to exist and no daring pioneer of juridical thought who is more in harmony with the new conditions of human society has as yet appeared among them as has been the case in Italy and France.

In like manner penal legislation for many years has clung to the old systems. Penalties are divided into degrees and these degrees are rigidly, we would say automatically, applied without any consideration being given to causes of crime which cannot be contemplated by rules of law, but can only be weighed by the sound judgment of the magistrate or that of the jury.

The predominating legislative reaction which prevents the necessary application of new laws to the new conduct of life finds a favorable element in the very system of codification. This system, in fact—while denoting progress in so far as to present in an organic form legislation enacted on specific matters and avoid the contradictions which readily arise in unsystematic legislation—becomes a great obstacle to any gradual reform. Be that as it may, it is an undeniable fact that in Spain, as in all other great Latin countries, there is a legislative tardiness of which no true and proper explanation can be given, notwithstanding the fact that Parliaments and the field of politics are full of free and progressive minds, of extremists who entertain bolder ideas than those of their Anglo-Saxon brethren.

The author of this "Guide" confines himself to general tendencies, but from these one may arrive at the conclusions which we have presented.

The part dealing with constitutional and administrative law is rather poor, not through any fault of the author, but because relatively few jurists in Spain have made a study of public law. Thus the six constitutions which during the past century followed each other under the violent blows of military *pronunciamientos* have found no commentator worthy of mention, and the few treatises on this subject have not the importance which such publications have in countries where the régime is more normal and more earnest attention is given to the fundamental institutions of the Nation.

This "Guide" is really useful as a *vade mecum* for those who devote themselves to the science of law and those who, in a practical field of endeavor, must become acquainted with certain questions; it is in substance the best advice which a man who is both a scholar and a librarian can give.

*Orestes Ferrara.*

THE ATLANTIC PORT DIFFERENTIALS. By JOHN B. DAISH, Washington: W. H. LOWDERMILK & Co. 1918. pp. xix, 524.

This work is a compilation, fully and accurately indexed, of the findings of official and unofficial investigators. The documents copied contain valuable information and the evident purpose of the compiler was to make easily available the data necessary to an understanding of the causes and claimed justification of the system of differential rates to and from the North Atlantic Ports. Briefly the compilation shows:

Comprehended by the term North Atlantic Ports are the cities of Boston, New York, Philadelphia and Baltimore, and the rate points near each, which for rate making purposes are regarded as part of their nearby port. These cities from the beginning of their commercial importance have actively competed among themselves.

The New York Central & Hudson River Railroad Company and the Erie Railway Company were claimed as New York railroads; the Pennsylvania Railroad Company was called a Philadelphia road and a proprietary interest in the Baltimore and Ohio Railroad Company